

ORIGINAL

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

2015 NOV -9 PM 2:51

CLERK

S.D. DIST. OF GA.

DUBLIN DIVISION

STEVE H. EZZARD,

Plaintiff,

v.

DR. CALEB AJIBADE and
WARDEN BRAD HOOKS,

Defendants.

CV 314-141

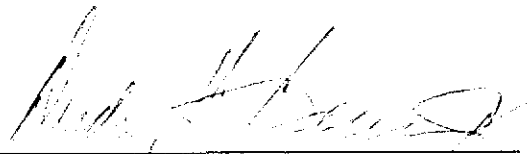
ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed, (doc. no. 80). Plaintiff offers no information to undermine the Magistrate Judge's analysis that Plaintiff failed to exhaust his administrative remedies prior to filing this lawsuit, thereby making Plaintiff's proposed amendment futile and requiring that this case be dismissed. Nor has Plaintiff shown he is entitled to mandamus relief, for the reasons explained in the Report and Recommendation.

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **GRANTS** Defendants' motion to dismiss, (doc. no. 57), because Plaintiff failed to properly exhaust his administrative remedies, and **DENIES** Plaintiff's

motions for a writ of mandamus and to amend his complaint, (doc. nos. 53, 68). The motion to "grant show cause" is **DENIED** as **MOOT**. (Doc. no. 70.) The Court **DIRECTS** the Clerk to enter judgment in favor of Defendants Hooks and Ajibade and **CLOSE** this case.

SO ORDERED this 17 day of November, 2015, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE